

MAY 21 2018



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105

Certified Mail: 7015 0640 0001 1118 0397

Return Receipt

Alex C. Marquina
Baywash Services, LLC
809 N Layman Street
Chandler, AZ 85225

Subject: Lead Renovation, Repair, Painting Rule Warning Letter

Dear Alex Marquina:

The U.S. Environmental Protection Agency (EPA) received a confidential complaint stating that you have performed renovation work at 9458 Harvard Street in Bellflower, CA 90706 that potentially violated federal regulations for lead-based paint activities under the Toxic Substances Control Act (TSCA) Renovation, Repair, and Painting (RRP) Rule, codified at 40 C.F.R. § 745, Subpart E. The RRP Rule contains requirements that firms and/or individuals involved in repairs, renovation, or painting of pre-1978 housing or child-occupied facilities must follow. This house was built in 1956. The purpose of this letter is to notify you that failure to comply with the RRP Rule is prohibited under Section 409 of TSCA, 15 U.S.C. § 2689, and may subject you to civil penalties of up to \$38,000 per violation.

Based on our preliminary investigation, EPA is concerned that these violations may be occurring:

- Your work crew is out of compliance with lead-safe work practices.
- Workers conducting lead-based paint renovation, repair and painting activities are not individually certified renovators.
- Your company is not EPA firm certified to perform RRP work.

Further details can be found in the document titled, "Small Entity Compliance Guide to Renovate Right" which you can find online at

<https://www.epa.gov/sites/production/files/documents/sbcomplianceguide.pdf>. The following is a summary list of the RRP Rule requirements:

- You must be certified by the EPA to conduct RRP work. Go to <https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors#firm> for firm certification. Certification costs \$300.00 and is valid for 5 years.
- You must have individually certified renovator(s) to oversee the work.

- You must use lead-safe work practices, for example:
 - post warning signs at the entrance to the work area;
 - use plastic containment barriers to prevent the spread of paint chips and dust;
 - handle waste in a lead-safe manner;
 - avoid prohibited practices such as open-flame burning, torching, or operating a heat gun at over 1100°F;
 - ensure that the work site is properly cleaned and that a post-renovation cleaning verification or dust clearance testing is conducted.
- Workers must be trained by a certified renovator.
- The pamphlet entitled *Renovate Right* must be given to client's/property owners/occupants before the renovation begins.
- Required records must be available and retained for 3 years.

You are required to comply with the RRP Rule if you continue to work on pre-1978 housing or child-occupied facilities. Issuance of this compliance assistance letter does not preclude EPA from pursuing penalties authorized by law in the future.

At <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf> we have an information sheet entitled *U. S. EPA Small Business Resources*, which you may find helpful if you are a qualified small business. Additional information can be found on-line at www.epa.gov/lead or by calling the National Lead Information Center at 1-800-424-5323. Attached please find a copy of a recent press release pertaining to lead-based paint enforcements.

If you have any questions, feel free to contact Olof Hansen (Senior Environmental Employment Grantee) at (415) 972-3783 or email him at hansen.olof@epa.gov.

Sincerely,



Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division

Enclosure:
Press Release